

10.32.13.01

.01 Scope.

These regulations establish the qualifications for an individual to become licensed in Maryland to practice medicine by virtue of conceded eminence and authority in the profession and to set limits on the license.

10.32.13.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "ABMS or other equivalent specialty board" means the American Board of Medical Specialties or equivalent boards in other countries.

(2) "Applicant" means an individual applying for initial licensure as a physician in Maryland.

(3) "Application period" means the time between the filing of an application and the issuance of a license or denial of the application.

(4) "Board" means the Board of Physicians.

(5) "Conceded eminence and authority in the profession" means significant teaching, research, and achievement in a field of medicine recognized by the Board.

(6) "Index Medicus" means an international list of periodicals concerning the practice of medicine.

(7) "LCME" means Liaison Committee on Medical Education of the American College of Medical Education and the American Medical Association.

(8) "LMCC" means Licentiate of the Medical Council of Canada, or its successor.

(9) "Malpractice history" means a list of claims filed against a health care provider for damage due to medical injuries as described in Courts and Judicial Proceedings Article, Title 3, Subtitle 2A, Annotated Code of Maryland, or adverse action reports made to the National Practitioner Data Bank of the federal government, or both.

(10) "Medical licensing examination results" means scores or results of examinations such as the:

(a) Educational Commission for Foreign Medical Graduates (ECFMG), or its successor;

(b) Federation Licensing Examination (FLEX) designed by the Federation of State Medical Boards;

(c) National Board of Medical Examiners (NBME);

(d) United States Medical Licensing Examination (USMLE) designed by the Federation of State Medical Boards; and

(e) Special Purpose Examination prepared by the Federation of State Medical Boards (SPEX).

(11) "Speech impairment" means a disorder of the voice, in articulation of speech sounds, or nonfluency in the speaker's native language.

(12) "Test of Spoken English" means the Educational Testing Service examination designed to evaluate the spoken English proficiency of those whose native language is not English.

(13) "World Health Organization directory" means the World Directory of Medical Schools, an international list of recognized medical schools compiled by the World Health Organization agency of the United Nations.

10.32.13.03

.03 Qualifications for Special License by Conceded Eminence.

A. An applicant shall:

- (1) Complete an application on a form supplied by the Board;
- (2) Pay an application fee set by the Board in COMAR 10.32.01.11;
- (3) Be of good moral character; and
- (4) Be at least 18 years old.

B. Recommendations. On a form supplied by the Board, the dean of a school of medicine in the State or the director of the National Institutes of Health shall recommend the applicant to the Board, by:

- (1) Attesting to the fact that the applicant is to receive an appointment at the institution represented by the dean or director; and
- (2) Presenting the Board with detailed evidence of the physician's qualifications and competence including:
 - (a) The nature of the physician's proposed responsibilities,
 - (b) Reasons for any limitations of the physician's practice responsibilities, and
 - (c) The degree of supervision, if any, under which the physician will function.

C. Evidence of Teaching, Research, and Achievement. An applicant shall demonstrate eminence and authority in the profession by meeting at least three of the following qualifications which are necessary, but not by themselves sufficient, for licensure under this chapter:

- (1) Within 10 years before the application, have published original results of clinical research in a medical journal listed in the Index Medicus or in an equivalent scholarly publication, and have submitted these articles to the Board in English or in a foreign language with verifiable, certified translations in English;
- (2) Have held an appointment at a medical school approved by the LCME or at any medical school listed in the World Health Organization directory at the level of associate or full professor, or its equivalent, for at least 5 years;
- (3) Within 10 years before the application, have developed a treatment modality, surgical technique, or other verified original contribution to the field of medicine, which is attested to by the dean of a school of medicine in the State or by the director of the National Institutes of Health;
- (4) Have actively practiced medicine cumulatively for 15 years, which may include up to 5 years sabbatical during which the applicant was involved in research; and
- (5) Be a member in good standing of a board of the American Board of Medical Specialties or other equivalent specialty board.

D. Supervision. The Board may require an applicant to submit the name of the licensed physician who agrees to supervise the medical services performed by the applicant for the first 6 months after the license is granted, and a detailed description of the medical services, duties, and responsibilities to be performed by the applicant.

E. Additional Requirements for License by Conceded Eminence and Authority in the Profession.

(1) The Board may require additional information which includes, but is not limited to, the following:

(a) A letter from the chief of staff of any hospital where the applicant has practiced within the 5 years preceding the application for license under this chapter, detailing the applicant's competence to practice medicine;

(b) A detailed description of activities including, but not limited to, the following:

(i) Any action, by any state licensing or disciplinary board, or any comparable body in the armed services, denying an application for licensure, reinstatement, or renewal,

(ii) Any action taken against the physician's license, by any state licensing or disciplinary board, or any comparable body in the armed services, including but not limited to limitations of practice, required education, admonishment, reprimand, suspension, or revocation for an act that would be grounds for disciplinary action under Health Occupations Article, § 14-404, Annotated Code of Maryland,

(iii) Any investigations or charges brought against the physician by any licensing or disciplinary body or comparable body in the armed services,

(iv) Any medical or health professional licenses for which the physician has applied when the application was withdrawn for reasons that would be grounds for disciplinary action under Health Occupations Article, § 14-404, Annotated Code of Maryland,

(v) Any investigations or charges brought against the physician by any hospital, related institution, or alternative health care system that might be grounds for action under Health Occupations Article, § 14-404, Annotated Code of Maryland,

(vi) Any limitations or loss in privileges by any hospital, related health care facility, or alternative health care system that would be grounds for disciplinary action under Health Occupations Article, § 14-404, Annotated Code of Maryland,

(vii) Any pleas of guilty or nolo contendere, or convictions, or receipt of probation before judgment for any criminal act,

(viii) Any pleas of guilty or nolo contendere, or convictions, or receipt of probation before judgment for any alcohol or controlled dangerous substance offense including, but not limited to, driving while under the influence of alcohol or controlled dangerous substances,

(ix) Any arrests which would provide a basis for investigation or charges that would be grounds for disciplinary action under Health Occupations Article, § 14-404, Annotated Code of Maryland,

(x) Any illness or condition which has impaired the physician's ability to practice medicine within the 3 years before, or during the pendency of, the application,

(xi) Any treatment for alcohol abuse, substance abuse, or chemical dependence, and

(xii) The filing or settling of any medical malpractice actions in which the physician is, or has been, named as a defendant;

(c) Malpractice history;

(d) Driving record, including but not limited to convictions for driving while intoxicated or while under the influence of any chemical substance or medication;

(e) Medical licensing examination results;

(f) Physical or mental examinations, or both, by a physician or evaluation program for treatment of impaired

physicians, or both, chosen by the Board.

(2) On forms supplied by the Board, an applicant shall:

(a) Agree to release to the Board information from other institutions and government agencies including, but not limited to, the National Practitioner Data Bank, hospitals, and other licensing bodies; and

(b) Allow the Board to release information which is not statutorily protected.

(3) An applicant for licensure under this chapter shall agree to inform the Board by certified mail, return receipt requested, within 30 days of receiving notice of any action listed in this section.

F. English Language Competency. An applicant shall demonstrate oral and written English language competency as described in Health Occupations Article, § 14-307(h), Annotated Code of Maryland. The applicant also shall demonstrate oral and written language competency as follows:

(1) Graduation from a recognized, English-speaking undergraduate college or university after at least 3 years of enrollment;

(2) Graduation from a recognized, English-speaking professional school; or

(3) Achieving a score of 220 on the Test of Spoken English or equivalent score on an equivalent examination approved by the Board, and achieving a score of 550 on the Test of English as a Foreign Language or equivalent examination approved by the Board.

G. Claim of Speech Impairment.

(1) An applicant wishing to claim a speech impairment shall submit documentation of this impairment on forms supplied by the Board.

(2) Documentation of a speech impairment shall be submitted from a:

(a) Licensed physician; and

(b) Speech-language pathologist who is currently licensed to practice speech pathology in the United States.

(3) Documentation should be submitted with the applicant's initial application but, in all cases, shall be submitted before the applicant's second attempt at passing the Test of Spoken English or its equivalent.

(4) After the second examination, documentation of an impairment may not be submitted or accepted unless there has been an intervening medical/surgical event which has created the impairment.

(5) The applicant shall be allowed to claim the impairment only if:

(a) This event was reported to the Board before a third examination; and

(b) The Board determines that the medical/surgical event did indeed create the impairment.

(6) If an applicant has properly claimed and documented a speech impairment, the Board shall grant a license if the applicant is able to prove the ability to communicate with allied health personnel and patients. The Board shall request the following proof:

(a) Documentation from three licensed physicians that the applicant can communicate in a professionally competent manner with patients and health care providers; or

(b) A hearing before the Board where the applicant is asked to describe the manner in which the applicant would obtain a history and physical examination from a typical patient.

H. Evaluation. The Board may require that an applicant under this chapter be evaluated by the Specialty Identification Committee of the Medical and Chirurgical Faculty of Maryland or other committee, and may require that the applicant be interviewed and be subject to peer review of the applicant's practice in accordance with Health Occupations Article, § 14-401 (b), Annotated Code of Maryland.

I. Withdrawals. An application may not be withdrawn if the applicant is under investigation or charges for reasons that may be grounds under Health Occupations Article, § 14-404, Annotated Code of Maryland, if the applicant were licensed in this State.

10.32.13.04

.04 Limited Practice.

An applicant for licensure is restricted so that the applicant shall:

- A. For the first 6 months, practice medicine only within the institutions and programs specified within the application;
- B. Following the first 6 months, practice medicine only at an institution similar to that named in the original application and after approval by the Board; and
- C. Practice medicine under any conditions which the Board may set.

10.32.13.05

.05 Unrestricted License.

Nothing in these regulations entitles an individual licensed by conceded eminence in the profession to practice beyond the scope of these regulations without having qualified for an unrestricted license under Health Occupations Article, § 14-307 or 14-308, Annotated Code of Maryland, and regulations promulgated under those sections.

10.32.13.06

.06 Term and Renewal of License by Conceded Eminence and Authority in the Profession.

A. Term and Tenure.

(1) The initial license is active for a period of 6 months, and, after that, for 2 years or for another term established by the Board.

(2) Unless the Board has been advised and approves of an appointment at a new institution, a license issued under this regulation expires immediately when an individual leaves the appointment at the sponsoring institution.

B. Renewal. A license issued under this regulation may be renewed every 2 years on a date set by the Board and as specified in COMAR 10.32.01.

10.32.13.07

.07 Licensure Required.

Practicing medicine beyond the scope of these regulations, including practicing without notifying the Board and without approval of the Board at any institution or place outside the institution approved by the Board, constitutes practicing without a license under Health Occupations Article, § 14-404(a)(3), Annotated Code of Maryland.

10.32.13.08

.08 Termination and New Appointment.

A. Duty to Inform of Termination. Failure to inform the Board of the termination of an appointment within 30 days constitutes unprofessional conduct under Health Occupations Article, § 14-404(a)(3), Annotated Code of Maryland.

B. New Appointment. An individual licensed under this chapter may not begin a new appointment without the approval of the Board.